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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
D AGOSTA, STEPHEN M

ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/759,606	OFFER, GERO	
	Examiner	Art Unit	
	Stephen M. D'Agosta	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-22 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-22 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☒ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2, 5, 7-9, 11-19 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Miller WO9847112 and further in view of Brooke Jr. et al. US 6,424,884 and [Morrill Jr. 5,991,749 or Martineau US 6,415,142 or Kawan US 5,796,832 or Griffith US 6,356,752] (hereafter Miller, Brooke, Morril, Martineau, Kawan, Griffith).

As per **claims 1, 7 and 13-17**, Miller teaches a method for dispensing a product from a vending machine, comprising:

Receiving information indicating a product has been selected

Dispensing the product in response to the information when the connection has been established (abstract, figure 1 teaches cell phone to Kiosk/vending machine connectivity via #6 to #2 to #3 paths, page 1, L5-7 and page 2, L10-18 to page 3, L1-3 which teaches connecting, selecting product and receiving information/receipt for the product selected/purchased. Also reference figures 2-5.).

But is silent on Receiving a signal from a cell phone AND Issuing a response to the signal to indicate a connection is established between cell phone and vending machine.

Brooke teaches a vending machine that communicates wirelessly with a person in order to purchase goods/services from said vending machine which provides motivation for wireless connections between vending machine and user (abstract and figures 1-6).

Kawan (abstract and figures), **Griffith** (abstract and figures), **Morrill** (abstract and figures, specifically figure 1a) and **Martineau** (abstract, figures and C8, L32-42) all teach cell phones/telephony with electronic wallets that can purchase goods/services from people/stores/vending machines.

With further regard to claim 13, Miller teaches the "network" consists of a number of differing technologies representing ALL digital communication facilities available today (including radio and satellite) [page 10, L3-8]. One skilled in the art would provide for multiple connections to the vending machine for primary and backup(s) connectivity to overcome a single point of failure for the comm. links.

With further regard to claims 14-17, Miller teaches a phone/cell phone and transceiver/mobile radio network (figure 1 shows phone/cell phone which requires a transceiver/cell phone transceiver.

It would have been obvious to one skilled in the art at the time of the invention to modify Miller, such that a wireless link is made between the vending machine and a cell phone user, to provide means for a person to electronically buy products from a machine without using physical money (ie. cash/coins).

As per **claims 2 and 8**, Miller teaches claim 1 further comprising

Outputting the cost of the product

Debiting an account for the cost to pay for the product (page 29, L2-12 teaches transmitting payment data based on cost of the product and debiting via cash or bank card or banking account, page 30, L17-19 to page 31, L1-2).

As per **claims 3 and 9**, Miller teaches claim 1 **but is silent on** wherein the response comprises a visual indication that is displayed on the cell phone.

Both **Griffith** (abstract – after transaction, data defining the transaction is transmitted to the wireless phone) and **Martineau** (C6, L23-30) teach feedback to the user's phone to allow them to view/retrieve the response as a visual indication AND **Morrill** teaches using the phone keyboard/display for the transaction which displays the

amount of money involved in the transaction, figure 1B, shows "Prompt enter amount press send", "Display amount OK?").

It would have been obvious to one skilled in the art at the time of the invention to modify Miller, such that the response is visually displayed on the cell phone display, to provide feedback to the user regarding the transaction.

As per **claims 5 and 11**, Miller teaches claim 1 **but is silent on** wherein the response is issued and the signal is received over a mobile communication network.

Griffith teaches a wireless phone as a transaction device (title, abstract) that uses a cellular/mobile network (figure 1, #102/#103 connection) AND **Morrill** teaches use of a cellular phone for a financial transaction (title, abstract and figures).

It would have been obvious to one skilled in the art at the time of the invention to modify Miller, such that the response is sent via a mobile network, to provide means to send the response directly to the cell phone user.

As per **claim 18**, Miller teaches claim 13 and a telephone network and gateway/switch connecting telephone network to vending machine/kiosk (see figure 1, telephone company and switch).

As per **claim 19**, Miller teaches claim 13 **but is silent on** wherein a code number is associated with the vending machine and the first communication device establishes the connection to the second communication device using the code number.

Since Miller teaches a cell phone user (figure 1), one skilled in the art would provide for connecting to other devices via a cell phone number.

Brooke teaches a vending machine that communicates wirelessly with a person in order to purchase goods/services from said vending machine which provides motivation for wireless connections between vending machine and user (abstract and figures 1-6).

Kawan (abstract and figures), **Griffith** (abstract and figures), **Morrill** (abstract and figures, specifically figure 1a) and **Martineau** (abstract, figures and C8, L32-42) all

teach cell phones/telephony with electronic wallets that can purchase goods/services from people/stores/vending machines.

One skilled in the art using cellular technology for communications would use cell phone numbers to uniquely identify each user/vending machine. This would be similar to packet communications using the TCP/IP Address to identify unique users/machines/etc..

It would have been obvious to one skilled in the art at the time of the invention to modify Miller, such that a code number is associated with the vending machine for communications with first device, to provide means for a user to dial the vending machine number to connect to it and purchase goods from it.

As per **claim 22**, Miller teaches claim 13 **but is silent on** further comprising a peripheral device which receives a signal from the second communication device and generates a menu in response to the signal.

Morrill teaches wireless telephony for conducting financial transactions (title and abstract) that provides a menu to the user (figure 1a, see list on right side of page AND figure 1b has a similar listing).

It would have been obvious to one skilled in the art at the time of the invention to modify Miller, such that a menu is provided, to provide means for the user to know what they can purchase from the machine (ie. candy, drinks, cell phone minutes, etc.).

Claims 4 and 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Miller/Brooke/[Morrill or Martineau or Kawan] further in view of Mattew et al. US 6,283,367 (hereafter Matthew).

As per **claims 4 and 10**, Miller teaches claim 1 **but is silent on** wherein the response comprises an audio indication that is presented via the cell phone.

Matthew teaches an IC Card Reader with synthesized voice output (title and abstract) which can be used in a telephone (C6, L17-22).

It would have been obvious to one skilled in the art at the time of the invention to modify Miller, such that the response is in audio format, to provide audio output to the user regarding the transaction (or for visually impaired persons).

Claims 6 and 20-21 rejected under 35 U.S.C. 103(a) as being unpatentable over Miller/Brooke/[Morrill or Martineau or Kawan] further in view of (Konsmo et al. US 5,844,808 or Howell et al. US 6,462,644 (hereafter Konsmo, Howell).

As per **claims 6 and 20-21**, Miller teaches claim 1/13/20 **but is silent on** further comprising:

Monitoring an amount of the product in the vending machine

Outputting an indication when the vending machine is sold out of a product wherein.

Miller primarily focuses on selling cellular airtime which has an "infinite" supply as long as the customer can pay for it. If Miller is adapted to a vending machine that stores physical products, such as candy, drinks, etc., then one would need to monitor the machine for products being sold out.

Konsmo (abstract and figues) and **Howell** (abstract and figures) teach a wireless system that monitors/outputs an indication when the vending machine is sold out.

It would have been obvious to one skilled in the art at the time of the invention to modify Miller, such that the machine monitors amount of product/sold out, to provide means for the vendor to know when they have to visit and re-supply the machine.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

1.Kaish et al. US 5,997,928 teaches verifying contents of vending system.

2. Stimson et al. US 5,557,109 teaches pre-paid card system.

3. Teicher US 5,728,999 teaches vending maching

4. Chew US 5,901,303 teaches smart card system.

5. McGarry US 6,038,491 teaches monitoring/reporting using cell system.

6. Prisant WO0077697 teaches remote purchase from vending machine.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 703-306-5426. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7493 for regular communications and 703-746-7493 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

SMD/RO